

A BILL

To be entitled

An Act amending Sections 1, 2 and 3 of H.B. <sup>so as to include</sup> No. 352, Chapter 436, Page 893, Acts of <sup>"Low Pressure Heating</sup> the 45th Legislature, Regular Session, <sup>Boiler" as defined by</sup> 1937, as amended, (codified as Article <sup>this act;</sup> 5221c of Vernon's Revised Texas Statutes) ~~relating to the inspection of boilers;~~  
~~changing the definitions of the term~~  
~~"boiler"; revising the list of boilers~~  
~~exempt from the provisions of the Act;~~  
and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

<sup>Insert (1)</sup> Section 1. Section 1 of Chapter 436, Acts of the 45th Legislature, Regular Session, 1937, as amended, is hereby amended to read as follows:

"Section 1. The following terms as used in this Act shall be construed as follows:

"'Commissioner' as used herein shall mean the Commissioner of the Bureau of Labor Statistics of the State of Texas;

"'Inspector' as used herein shall mean the inspector of steam boilers appointed under the provisions of this Act;

"'Deputy' as used herein shall mean any deputy inspector of boilers appointed under the provisions of this Act;

"'Boiler' as used herein shall mean any vessel used for generating steam for power or heating purposes and any hot water heating or hot water supply boiler.

"'Owner or user' as used herein shall mean any person, firm or corporation owning or operating, or in charge of or in control of any boiler as herein defined;

"'Safety device' as used herein shall mean any appurtenance attached to any boiler for the purpose of diminishing the danger of accidents;

"'Code of Rules' as used herein shall mean the standard code of rules promulgated and adopted by the Commissioner under the provisions of this Act."

Sec. 2. Section 2 of Chapter 436, Acts of the 45th Legislature, Regular Session, 1937, as amended, is hereby amended to read as follows:

"Sec. 2. No boiler, unless otherwise specifically exempted in this Act, shall be operated within the State of Texas unless such boiler has been registered with the Bureau of Labor Statistics and there shall have been issued a Certificate of Operation for such boiler, as hereinafter provided for, and such Certificate of Operation shall remain in full force and effect until expiration unless cancelled for cause by the Commissioner; such Certificate of Operation shall be placed under glass in a conspicuous place on or near the boiler for which it is issued; and no prosecution shall be maintained where the issuance of or the renewal for such Certificate of Operation shall have been requested and shall remain unacted upon; provided, however, if the operation of such boiler without such Certificate of Operation shall constitute a serious menace to the life and safety of any person or persons in or about the premises, the Commissioner or the inspector of boilers or any deputy inspector, as hereinafter provided for, shall apply to the District Court in a suit brought by either the Attorney General of the State, or any District or County Attorney, in the county in which such boiler is located, for an injunction restraining the operation of said boiler until the unsafe condition restraining its use shall be corrected and a Certificate of Operation issued. In all such cases it shall not be necessary for the attorney bringing the suit to verify the pleadings or for the State to execute a bond as a condition precedent to the issuing of any injunction or restraining order hereunder. The affidavit of the Commissioner that no application for or no Certificate of Operation exists for such boiler, and the affidavit of any inspector or deputy inspector that its operation constitutes a menace to the life and safety of any person or persons in or about the premises, shall be sufficient proof to warrant the immediate granting of a temporary restraining order."

Sec. 3. Section 3 of Chapter 436, Acts of the 45th Legislature, Regular Session, 1937, as amended, is hereby amended to read as follows:

"Sec. 3. (a) The following boilers are exempt from the provisions of this Act.

"1. Boilers under Federal control and stationary boilers at

round houses, pumping stations and depots of railway companies under the supervision or inspection of the Superintendent of Motive Power of such railway companies.

"2. Automobile boilers and boilers on road vehicles.

"(b) The following boilers shall be exempt from the requirements of Sections 4, 5, 11 and 12 of this Act:

"1. Steam boilers on which the pressure does not exceed fifteen (15) pounds per square inch and which are located in private residences or apartment houses of less than five (5) families.

"2. Hot water heating and hot water; supply boilers operated at pressure not exceeding 160 pounds per square inch, or temperatures not exceeding 250° F. and which are located in private residences or in apartment houses of less than five (5) families;

"3. Boilers used exclusively for agricultural purposes;

"4. Boilers used for cotton gins."

Sec. 4. The fact that this bill corrects inequities now existing in the State and the crowded condition of the calendar create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

FORM C

(For a favorable report on a bill where a "committee substitute" was recommended by the committee.)

COMMITTEE ROOM

Date **APR 30 1959**

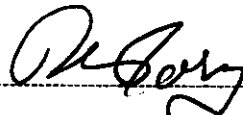
Hon. Waggoner Carr

Speaker of the House of Representatives.

Sir:

We, your Committee on State Affairs, to whom was referred AC No. 710, have had the same under consideration and ~~beg~~ to report back with recommendation that it do pass, and be not printed.

Committee Substitute was recommended and is to be printed in lieu of the original bill.



Chairman.

(A "committee substitute" in the case of a bill is in the form of two suggested amendments, a new body and a new caption. Under the Rules a committee may authorize the printing of the "committee substitute" in lieu of the original bill. If the original caption is adequate, the "committee substitute" should be only a new body; and in such case the original caption should be printed along with the suggested new body.)

COMMITTEE AMENDMENT

NO. 1

Committee Amendment No. 1

By: Ramsey  
Anderson

AMEND House Bill 710 by Striking out all below the enacting clause and inserting in lieu thereof the following:

<sup>(1)</sup> Section 1. Section 1 of Chapter 436, Acts of the 45th Legislature, Regular Session, 1937, as amended, is hereby amended to read as follows:

'Section 1. The following terms as used in this Act shall be construed as follows:

'"Commissioner" as used herein shall mean the Commissioner of the Bureau of Labor Statistics of the State of Texas;

'"Inspector" as used herein shall mean the inspector of steam boilers appointed under the provisions of this Act;

'"Deputy" as used herein shall mean any deputy inspector of boilers appointed under the provisions of this Act;

'"Boiler" as used herein shall mean any vessel used for generating steam for power or heating purposes;

'"Low Pressure Heating Boiler" as used herein shall mean a boiler operated at pressures not exceeding 15 lbs. per sq. in. gage steam or at pressures not exceeding 160 lbs. per sq. in. gage and temperatures not exceeding 250° F. for water;

'"Owner or user" as used herein shall mean any person, firm or corporation owning or operating, or in charge of or in control of any boiler as herein defined;

'"Safety device" as used herein shall mean any appurtenance attached to any boiler for the purpose of diminishing the danger of accidents;

'"Code of Rules" as used herein shall mean the standard code of rules promulgated and adopted by the Commissioner under the provisions of this Act;

'Unless otherwise specified, where the term "boiler" is used herein, it shall include "Low Pressure Heating Boilers."

MAY 4 1959

DATE

READ AND ADOPTED

Dorothy Hallman  
CHIEF CLERK  
HOUSE OF REPRESENTATIVES

. m. m.

"Sec. 2. Section 2 of Chapter 436, Acts of the 45th Legislature, Regular Session, 1937, as amended, is hereby amended to read as follows:

'Sec. 2. No boiler or low pressure heating boiler, unless otherwise specifically exempted in this Act, shall be operated within the State of Texas unless such boiler has been registered with the Bureau of Labor Statistics and there shall have been issued a Certificate of Operation for such boiler, as hereinafter provided for, and such Certificate of Operation shall remain in full force and effect until expiration unless cancelled for cause by the Commissioner; such Certificate of Operation shall be placed under glass in a conspicuous place on or near the boiler for which it is issued; and no prosecution shall be maintained where the issuance of or the renewal for such Certificate of Operation shall have been requested and shall remain unacted upon; provided, however, if the operation of such boiler without such Certificate of Operation shall constitute a serious menace to the life and safety of any person or persons in or about the premises, the Commissioner or the inspector of boilers or any deputy inspector, as hereinafter provided for, shall apply to the District Court in a suit brought by either the Attorney General of the State, or any District or County Attorney, in the county in which such boiler is located, for an injunction restraining the operation of said boiler until the unsafe condition restraining its use shall be corrected and a Certificate of Operation issued. In all such cases it shall not be necessary for the attorney bringing the suit to verify the pleadings or for the State to execute a bond as a condition precedent to the issuing of any injunction or restraining order hereunder. The affidavit of the Commissioner that no application for or no Certificate of Operation exists for such boiler, and the affidavit of any inspector or deputy inspector that its operation constitutes a menace to

the life and safety of any person or persons in or about the premises, shall be sufficient proof to warrant the immediate granting of a temporary restraining order.'

"Sec. 3. Section 3 of Chapter 436, Acts of the 45th Legislature, Regular Session, 1937, as amended, is hereby amended to read as follows:

'Sec. 3. The following boilers and low pressure heating boilers are exempt from the provisions of this Act:

1. Boilers and Low Pressure Heating Boilers under Federal control and Stationary boilers at round houses, pumping stations and depots of railway companies under the supervision or inspection of the Superintendent of Motive Power of such railway companies;
2. Low pressure heating boilers on which pressure does not exceed 15 lbs. per sq. in. gage steam or at pressures not exceeding 160 lbs. per sq. in. gage and temperatures not exceeding 250° F. for water, except where such boilers are located in public or private schools, colleges, universities, or county courthouses;
3. Automobile boilers and boilers on road motor vehicles;
4. Boilers and Low Pressure Heating Boilers used exclusively for agricultural purposes;
5. Low Pressure Heating Boilers for heating in buildings occupied solely for residence purposes with accommodations not to exceed four (4) families;
6. Boilers and Low Pressure Heating Boilers used for cotton gins.'

"Sec. 4. The fact that this bill corrects inequities now existing in the State and the crowded condition of the calendar create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and that this Act shall take effect and be

in force from and after its passage, and it is so enacted."



By: Anderson

H. B. No. 710

A BILL TO BE ENTITLED

AN ACT

amending Sections 1, 2 and 3 of House Bill No. 352, Chapter 436, Page 893, Acts of the Forty-fifth Legislature, Regular Session, 1937, as amended, (codified as Article 5221c of Vernon's Revised Texas Statutes) so as to include "Low Pressure Heating Boilers" as defined by this Act; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 1 of Chapter 436, Acts of the Forty-fifth Legislature, Regular Session, 1937, as amended, is hereby amended to read as follows:

"Section 1. The following terms as used in this Act shall be construed as follows:

"'Commissioner' as used herein shall mean the Commissioner of the Bureau of Labor Statistics of the State of Texas;

"'Inspector' as used herein shall mean the inspector of steam boilers appointed under the provisions of this Act;

"'Deputy' as used herein shall mean any deputy inspector of boilers appointed under the provisions of this Act;

"'Boiler' as used herein shall mean any vessel used for generating steam for power or heating purposes;

"'Low Pressure Heating Boiler' as used herein shall mean a boiler operated at pressures not exceeding 15 lbs. per sq. in. gauge steam or at pressures not exceeding 160 lbs. per sq. in. gauge and temperatures not exceeding 250° F. for water;

"'Owner or User' as used herein shall mean any person, firm

or corporation owning or operating, or in charge of or in control of any boiler as herein defined;

"'Safety device' as used herein shall mean any appurtenance attached to any boiler for the purpose of diminishing the danger of accidents;

"'Code of Rules' as used herein shall mean the standard code of rules promulgated and adopted by the Commissioner under the provisions of this Act;

"Unless otherwise specified, where the term 'boiler' is used herein, it shall include 'Low Pressure Heating Boilers.'"

Sec. 2. Section 2 of Chapter 436, Acts of the Forty-fifth Legislature, Regular Session, 1937, as amended, is hereby amended to read as follows:

"Section 2. No boiler or low pressure heating boiler, unless otherwise specifically exempted in this Act, shall be operated within the State of Texas unless such boiler has been registered with the Bureau of Labor Statistics and there shall have been issued a Certificate of Operation for such boiler, as hereinafter provided for, and such Certificate of Operation shall remain in full force and effect until expiration unless cancelled for cause by the Commissioner; such Certificate of Operation shall be placed under glass in a conspicuous place on or near the boiler for which it is issued; and no prosecution shall be maintained where the issuance of or the renewal for such Certificate of Operation shall have been requested and shall remain unacted upon; provided, however, if the operation of such boiler without such Certificate of Operation shall constitute a serious menace to the life and

safety of any person or persons in or about the premises, the Commissioner or the inspector of boilers or any deputy inspector, as hereinafter provided for, shall apply to the District Court in a suit brought by either the Attorney General of the State, or any District or County Attorney, in the county in which such boiler is located, for an injunction restraining the operation of said boiler until the unsafe condition restraining its use shall be corrected and a Certificate of Operation issued. In all such cases it shall not be necessary for the attorney bringing the suit to verify the pleadings or for the State to execute a bond as a condition precedent to the issuing of any injunction or restraining order hereunder. The affidavit of the Commissioner that no application for or no Certificate of Operation exists for such boiler, and the affidavit of any inspector or deputy inspector that its operation constitutes a menace to the life and safety of any person or persons in or about the premises, shall be sufficient proof to warrant the immediate granting of a temporary restraining order."

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"1. Boilers and low pressure heating boilers under Federal control and stationary boilers at round houses, pumping stations and depots of railway companies under the supervision or inspection of the Superintendent of Motive Power of such railway companies;

"2. Low pressure heating boilers on which pressure does not

exceed 15 lbs. per sq. in. gauge steam or at pressures not exceeding 160 lbs. per sq. in. gauge and temperatures not exceeding 250° F. for water, except where such boilers are located in public or private schools, colleges, universities, or county courthouses;

"3. Automobile boilers and boilers on road motor vehicles;

"4. Boilers and low pressure heating boilers used exclusively for agricultural purposes;

"5. Low pressure heating boilers for heating in buildings occupied solely for residence purposes with accommodations not to exceed four (4) families;

"6. Boilers and low pressure heating boilers used for cotton gins."

Sec. 4. The fact that this bill corrects inequities now existing in the State and the crowded condition of the Calendar create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Austin, Texas

5-8, 1959

Hon. Ben Ramsey

President of the Senate

Sir:

We, your committee on County Cities & Towns,  
to whom was referred H B. No. 710, have had the same under  
consideration, and we are instructed to report it back to the Senate  
with the recommendation that it do \_\_\_\_\_ pass \_\_\_\_\_,  
and be printed.

Alkins

Chairman

Colson

Baker

AN ACT

amending Sections 1, 2 and 3 of House Bill No. 352, Chapter 436, Page 893, Acts of the Forty-fifth Legislature, Regular Session, 1937, as amended, (codified as Article 5221c of Vernon's Revised Texas Statutes) so as to include "Low Pressure Heating Boilers" as defined by this Act; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 1 of Chapter 436, Acts of the Forty-fifth Legislature, Regular Session, 1937, as amended, is hereby amended to read as follows:

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or corporation owning or operating, or in charge of or in control of any boiler as herein defined;

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safety of any person or persons in or about the premises, the Commissioner or the inspector of boilers or any deputy inspector, as hereinafter provided for, shall apply to the District Court in a suit brought by either the Attorney General of the State, or any District or County Attorney, in the county in which such boiler is located, for an injunction restraining the operation of said boiler until the unsafe condition restraining its use shall be corrected and a Certificate of Operation issued. In all such cases it shall not be necessary for the attorney bringing the suit to verify the pleadings or for the State to execute a bond as a condition precedent to the issuing of any injunction or restraining order hereunder. The affidavit of the Commissioner that no application for or no Certificate of Operation exists for such boiler, and the affidavit of any inspector or deputy inspector that its operation constitutes a menace to the life and safety of any person or persons in or about the premises, shall be sufficient proof to warrant the immediate granting of a temporary restraining order."

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"2. Low pressure heating boilers on which pressure does not



exceed 15 lbs. per sq. in. gauge steam or at pressures not exceeding 160 lbs. per sq. in. gauge and temperatures not exceeding 250° F. for water, except where such boilers are located in public or private schools, colleges, universities, or county courthouses;

"3. Automobile boilers and boilers on road motor vehicles;

"4. Boilers and low pressure heating boilers used exclusively for agricultural purposes;

"5. Low pressure heating boilers for heating in buildings occupied solely for residence purposes with accommodations not to exceed four (4) families;

"6. Boilers and low pressure heating boilers used for cotton gins."

Sec. 4. The fact that this bill corrects inequities now existing in the State and the crowded condition of the Calendar create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

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President of the Senate

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Speaker of the House

I hereby certify that H. B. No. 710 was passed by the House on May 4, 1959, by the following vote: Yeas 142, Nays 2.

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Chief Clerk of the House

H. B. No. 710

I hereby certify that H. B. No. 710 was passed by the Senate on May 11, 1959, by the following vote: Yeas 28, Nays 0.

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Secretary of the Senate

APPROVED: 5-30-59  
Date

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Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE

11:45 pm O'CLOCK

JUN 1 - 1959

*Green Lindsey*  
Secretary of State.

H.B.No. 710 By: Anderson

A BILL

To be entitled

An Act amending Sections 1, 2 and 3 of House Bill No. 352, Chapter 436, Page 893, Acts of the 45th Legislature, Regular Session, 1937, as amended, (codified as Article 5221c of Vernon's Revised Texas Statutes) relating to the inspection of boilers; etc.

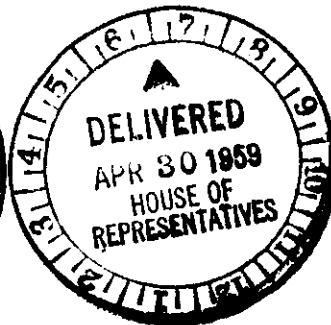
FILED MAR 10 1959

MAR 11 1959 READ 1ST TIME  
AND REFERRED TO COMMITTEE ON

*State Affairs*

APR 30 1959 AS AMENDED  
REPORTED FAVORABLY, SENT TO PRINTER.

MAY 1 1959 RETURNED FROM PRINTER. SENT TO SPEAKER



MAY 4 1959

READ SECOND  
TIME *Agenda* AND

ORDERED ENGROSSED

*Vice Vice Vote*  
*Dorothy Hallman*

Chief Clerk, House of Representatives

MAY 4 1959

Constitutional  
Rule requiring bills to be read on  
three several days suspended by  
a four-fifths vote.  
Yea *136* Nays *10*

*Dorothy Hallman*

Chief Clerk, House of Representatives

MAY 4 1959

Read third time  
and Passed

by following vote yeas *142*

Nays *2*

*Dorothy Hallman*  
Chief Clerk  
HOUSE OF REPRESENTATIVES

MAY 4 1959 SENT TO ENGROSSING CLERK

FILED  
MAY 11 1959  
D. W. D. Clerk

State of Texas

By: Anderson

H. B. No. 710

A BILL TO BE ENTITLED

AN ACT

amending Sections 1, 2 and 3 of House Bill No. 352, Chapter 436, ~~Page 893, Acts of the Forty-fifth Legislature, Regular Session, 1937, as amended, (codified as Article 5221c of Vernon's Revised Texas Statutes)~~ so as to include "Low Pressure Heating Boilers" as defined by this Act; and declaring an emergency.

3-10-59 Filed.

3-11-59 Read first time and referred to Committee on State Affairs.

4-30-59 Reported favorably as amended, sent to printer.

5- 1-59 Returned from printer, sent to Speaker.

5- 4-59 Read second time, amended and ordered engrossed by a viva-voce vote.

5- 4-59 Constitutional Rule requiring bills to be read on three several days suspended by a four-fifths vote: Yeas 136, Nays 10.

5- 4-59 Read third time and passed by the following vote: Yeas 142, Nays 2.

Dorothy Hallman  
Chief Clerk, H. of R.

5- 4-59 Sent to Engrossing Clerk.

5- 4-59 Engrossed.

Ernest Luffin  
Engrossing Clerk, H. of R.

MAY 6 1959

IN THE SENATE

Received from  
the House.

MAY 6 1959

RETURNED FROM ENGROSSING CLERK

MAY 7 1959

SENT TO SENATE

MAY 6 1959

Read first time  
and referred to Committee  
on State Affairs

MAY 8 1959

RE-REFERRED TO COMMITTEE ON

Counties, Cities  
and Towns

MAY 8 1959

Reported Favorably.

MAY 8 1959

Ordered not printed by the Senate

MAY 11 1959

Regular order of business suspended by unanimous consent to permit consideration.

MAY 11 1959

READ SECOND TIME, \_\_\_\_\_

AND PASSED TO THIRD READING.

MAY 11 1959

Senate Rule 32 and  
Constitutional Rule (Sec. 82, Art. III)  
suspended by a vote of 28 yeas,  
0 nays, to place bill on third  
reading and final passage.

MAY 11 1959

READ THIRD TIME AND PASSED  
BY THE FOLLOWING VOTE:

Yeas 28 Nays 0

Charles Schnabel  
Secretary of the Senate

MAY 11 1959

SENT TO HOUSE

MAY 11 1959

RETURNED FROM SENATE

Dorothy Hallman

Chief Clerk, House of Representatives

MAY 11 1959 SENT TO ENROLLING CLERK